THE HONOUABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.20598 of 1997

Between:

M.Satya Saibaba Raju. ..
PETITIONER

and

The Executive Engineer,
Godavari Head Works Division,
Dhavlaeswaram and two others.
..
RESPONDENTS

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THE HONOUABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.20598 of 1997

ORDER:

This writ petition is filed seeking Certiorari to call for the records relating to letter No.MCI/F.22/HC/1598M, dated 11-07-1997, issued by the Executive Engineer, Godavari Head Works Division, Dowlaiswaram, the 1st respondent herein.

It appears that the petitioner took Punt No.112 for hire on monthly rent of Rs.5,220/- from the 1st respondent and entered into an agreement on 01-04-1994. While so, on 01-06-1995, the said punt was delivered to the 1st respondent for repairs. The 1st respondent gave another punt No.11, alternatively, by collecting more than Rs.8,000/-. Earlier, when Punt No.112 was not delivered to the petitioner, which was entrusted for repairs, he had filed W.P.No.29176 of 1995. This court, by an interim order in W.P.M.P.No.36024 of 1995, dated 26-12-1995, directed the 1st respondent to redeliver punt No.112 to the petitioner. However, when it was not re-delivered, he had filed Contempt Case No.62 of 1996 before this court. After filing the same, Punt No.112 was delivered to the petitioner. However, the repairs attended on punt No.112 by the department was not properly done. Thus, it is the case of the petitioner that he had already spent Rs.80,000/- towards repairs and paid balance amount of Rs.12,800/- towards arrears of hire charges. Therefore, the question of paying another amount of Rs.92,800/-, as per the impugned notice, does not arise.

In the counter affidavit filed by the respondent, it is asserted that the petitioner has no business to get the punt repaired at his cost and his statement that he has incurred Rs.80,000/- to get it repaired at his cost is false. In fact, to avoid inconvenience to the petitioner, the 2nd and 3rd respondents have drawn required material from P.W.D. stores and the punt was got repaired at Yanam Ferry point only through department. Therefore, it is false to state that the petitioner has incurred a sum of Rs.80,000/- for repairs.

These are pure question of facts, which cannot be decided in this writ petition.

Therefore, the writ petition is disposed of directing the petitioner to make a detailed representation in this regard to the respondents and the respondents are directed to consider the same and pass appropriate orders, as per law, within four weeks from the date of receipt of such representation filed by the petitioner. There shall be no order as to costs.

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13-07-2006

Prv